

Jeffery J. Oven
Mark L. Stermitz
Jeffrey M. Roth
CROWLEY FLECK PLLP
490 North 31st Street, Ste. 500
Billings, MT 59103-2529
Telephone: 406-252-3441
Email: joven@crowleyfleck.com
mstermitz@crowleyfleck.com
jroth@crowleyfleck.com

Peter C. Whitfield
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005
Telephone: 202-736-8000
Email: pwhitfield@sidley.com

Counsel for TransCanada Keystone Pipeline, LP and TC Energy Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

NORTHERN PLAINS RESOURCE
COUNCIL, BOLD ALLIANCE, NATURAL
RESOURCES DEFENSE COUNCIL,
SIERRA CLUB, CENTER FOR
BIOLOGICAL DIVERSITY, and FRIENDS
OF THE EARTH,

Plaintiffs,

vs.

UNITED STATES ARMY CORPS OF
ENGINEERS and LT. GENERAL TODD T.
SEMONITE (in his official capacity as U.S.
Army Chief of Engineers and Commanding
General of the U.S. Army Chief of Engineers),

Defendants.

TRANSCANADA KEYSTONE PIPELINE,
LP, a Delaware limited partnership, and TC
ENERGY CORPORATION, a Canadian
Public company, THE STATE OF
MONTANA, AMERICAN GAS

CV 19-44-GF-BMM

**MOTION FOR PARTIAL
STAY PENDING APPEAL
BY TRANSCANADA
KEYSTONE PIPELINE, LP
AND TC ENERGY
CORPORATION**

ASSOCIATION, AMERICAN PETROLEUM
INSTITUTE, ASSOCIATION OF OIL
PIPELINES, INTERSTATE NATURAL GAS
ASSOCIATION OF AMERICA, and
NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION

Defendant-Intervenors.

Pursuant to Rule 62(c) of the Federal Rules of Civil Procedure, Defendant-Intervenors TransCanada Keystone Pipeline, LP and TC Energy Corp. (“TC Energy”) hereby move for a stay of paragraphs 5 and 6 of the Court’s April 15, 2020 Order granting summary judgment to Plaintiffs on the Endangered Species Act claim in Claim Four of the Complaint (Doc. 130).

TC Energy respectfully requests that this Stay Motion be considered expeditiously and on the same schedule set forth in the Court’s April 28, 2020 Order for the Federal Defendants’ Motion for Partial Stay Pending Appeal. (Doc. 134).

Pursuant to Local Rule 7.1, TC Energy contacted the parties in this matter. The Department of Justice represented that they do not oppose the request for expedited consideration and that Federal Defendants’ position on the stay motion is already set forth in their separate motion. Plaintiffs’ counsel represented that they oppose the stay motion and that they intend to follow the schedule entered by the

Court. Counsel for the NWP 12 Coalition represented that they support this motion. Counsel for the State of Montana represented they do not oppose this motion.

Dated: April 29, 2020

Respectfully submitted,

/s/ Peter C. Whitfield.

Peter C. Whitfield
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000 (telephone)
(202) 736-8711 (fax)
Email: pwhitfield@sidley.com

/s/ Jeffery J. Oven

Jeffery J. Oven
Mark L. Stermitz
Jeffrey M. Roth
CROWLEY FLECK PLLP
490 North 31st Street, Ste. 500
P.O. Box 2529
Billings, MT 59103-2529
Telephone: 406-252-3441
Email: joven@crowleyfleck.com
mstermitz@crowleyfleck.com
jroth@crowleyfleck.com

*Counsel for TransCanada Keystone
Pipeline LP and TC Energy
Corporation*